

# Title 10: COMMERCE AND TRADE

## Chapter 214: ENERGY EFFICIENCY BUILDING PERFORMANCE STANDARDS

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**Maine Revised Statutes**  
**Title 10: COMMERCE AND TRADE**  
**Chapter 214: ENERGY EFFICIENCY BUILDING PERFORMANCE STANDARDS**

**§1411. TITLE**

This chapter shall be known as the "Energy Efficiency Building Performance Standards Act." [1979, c. 503, §2 (NEW).]

SECTION HISTORY  
1979, c. 503, §2 (NEW).

**§1412. LEGISLATIVE FINDINGS AND PURPOSE**  
*(REPEALED)*

SECTION HISTORY  
1979, c. 503, §2 (NEW). 1985, c. 370, §1 (AMD). 2013, c. 120, §1 (RP).

**§1413. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1979, c. 503, §2 (NEW).]

**1. ASHRAE.** "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

[ 2003, c. 151, §1 (AMD) .]

**1-A. ASHRAE Standard 62-2001.**

[ 2013, c. 120, §2 (RP) .]

**1-B. ASHRAE Standard 90.1, 2001.**

[ 2013, c. 120, §3 (RP) .]

**2. BTU.** "BTU" means British Thermal Unit which is the amount of thermal energy required to raise one pound of water one degree Fahrenheit.

[ 1979, c. 503, §2 (NEW) .]

**3. Change of use.**

[ 2013, c. 120, §4 (RP) .]

**4. Commission.** "Commission" means the Public Utilities Commission.

[ 2005, c. 350, §1 (AMD) .]

**5. Conditioned floor area.** "Conditioned floor area" means the floor area within the building which is actively heated or cooled by a heating, ventilating or air conditioning system.

[ 1979, c. 503, §2 (NEW) .]

**6. Conditioned space.** "Conditioned space" means space within the building which is actively heated or cooled by a heating, ventilating or air conditioning system.

[ 1979, c. 503, §2 (NEW) .]

**7. Commissioner.**

[ 2005, c. 350, §2 (RP) .]

**7-A. Geothermal heat pump.** "Geothermal heat pump" means a central heating or central cooling system that pumps heat to or from the ground.

[ 2011, c. 300, §1 (NEW) .]

**8. Gross floor area.** "Gross floor area" means the total area of all floors within the conditioned space, including the floor area of heated basements, measured from exterior faces of exterior walls or the centerline of walls separating buildings. The floor areas of unconditioned spaces, such as unheated basements, garages and attics shall not be included in the gross floor area.

[ 1979, c. 503, §2 (NEW) .]

**9. Heat loss.** "Heat loss" means the amount of heat transferred annually from the conditioned space to the outside or to an unconditioned space by means of conduction and infiltration as calculated by the method described in this chapter.

[ 1979, c. 503, §2 (NEW) .]

**9-A. Industrial building.**

[ 2013, c. 120, §5 (RP) .]

**10. Infiltration.** "Infiltration" means the uncontrolled movement of air into and out of the conditioned space through cracks and interstices in the building envelope.

[ 1979, c. 503, §2 (NEW) .]

**11. Manual of Accepted Practices.**

[ 2003, c. 644, §2 (RP) .]

**12. Commercial building.**

[ 2013, c. 120, §6 (RP) .]

**13. Person.** "Person" means any natural person, firm, partnership, association, corporation or governmental entity.

[ 1979, c. 503, §2 (NEW) .]

**13-A. Primary heating system.** "Primary heating system" means a heating system with a rated maximum heat output that is greater than 50% of the design heating load of the building or the unit.

[ 1991, c. 275, §1 (NEW); 1991, c. 275, §§4, 5 (AFF) .]

**14. Public building.**

[ 2013, c. 120, §7 (RP) .]

**14-A. Remodeling.** "Remodeling" means the addition to an existing building of new conditioned space that is heated electrically or the conversion of existing space from nonelectric heat to electric heat.

[ 1991, c. 275, §1 (NEW); 1991, c. 275, §§4, 5 (AFF) .]

**15. Renovation.** "Renovation" means the reconstruction, removal or replacement of any portion or element of an existing building that affects the heat loss or gain of the building, illumination of the building or the heating, ventilating or air conditioning system of the building when the total cost of the renovation exceeds 75% of the assessed value of the building, but does not include normal maintenance and repair.

[ 1991, c. 275, §2 (AMD); 1991, c. 275, §§4, 5 (AFF) .]

**16. Residential building.**

[ 2013, c. 120, §8 (RP) .]

**SECTION HISTORY**

1979, c. 503, §2 (NEW). 1985, c. 370, §2 (AMD). 1987, c. 818, §§1-3 (AMD). 1989, c. 75, §§1, 2 (AMD). 1989, c. 501, Pt. DD, §§21, 22 (AMD). 1991, c. 246, §5 (AMD). 1991, c. 275, §§1, 2 (AMD). 1991, c. 275, §§4, 5 (AFF). 1991, c. 824, Pt. A, §13 (AMD). 2003, c. 151, §§1, 2 (AMD). 2003, c. 644, §2 (AMD). 2005, c. 350, §§1-4 (AMD). 2011, c. 300, §1 (AMD). 2013, c. 120, §§2-8 (AMD).

**§1414. ADVISORY COUNCIL ON ENERGY EFFICIENCY BUILDING PERFORMANCE STANDARDS**

*(REPEALED)*

**SECTION HISTORY**

1979, c. 503, §2 (NEW). 1983, c. 812, §§67,68 (AMD). 1989, c. 503, §B53 (AMD). 1999, c. 668, §81 (RP).

**§1414-A. ADOPTION OF ENERGY PERFORMANCE BUILDING STANDARDS BY STATE AGENCIES**

*(REPEALED)*

**SECTION HISTORY**

1985, c. 370, §3 (NEW). 1989, c. 501, §DD23 (AMD). 2005, c. 350, §5 (AMD). 2013, c. 120, §9 (RP).

**§1415. ENERGY EFFICIENCY STANDARDS**

*(REPEALED)*

## SECTION HISTORY

1979, c. 503, §2 (NEW). 1979, c. 676, §1 (RP).

**§1415-A. ENERGY EFFICIENCY STANDARDS**

*(REPEALED)*

## SECTION HISTORY

1979, c. 676, §2 (NEW). 1985, c. 481, §A19 (AMD). 1989, c. 75, §3 (RP).

**§1415-B. MANDATORY STANDARDS FOR BUILDINGS**

*(REPEALED)*

## SECTION HISTORY

1985, c. 370, §4 (NEW). 1989, c. 75, §4 (RP).

**§1415-C. MANDATORY STANDARDS FOR RESIDENTIAL CONSTRUCTION**

*(REPEALED)*

## SECTION HISTORY

1987, c. 818, §4 (NEW). 1989, c. 75, §§5,6 (AMD). 1991, c. 246, §§6-9 (AMD). 1991, c. 824, §A14 (AMD). 2003, c. 151, §§3,4 (AMD). 2003, c. 645, §§1-4 (AMD). 2003, c. 645, §9 (AFF). 2005, c. 350, §§6-8 (AMD). 2005, c. 350, §16 (AFF). 2005, c. 683, §C4 (AMD). 2007, c. 699, §2 (AMD). 2009, c. 261, Pt. A, §1 (AMD). MRSA T. 10, §1415-C, sub-§7 (RP).

**§1415-D. MANDATORY STANDARDS FOR COMMERCIAL CONSTRUCTION**

*(REPEALED)*

Except as provided in this section, new construction or substantial renovation of any commercial building undertaken after January 1, 2004 must conform to ASHRAE Standard 62-2001 and either ASHRAE Standard 90.1-2001 or the 2003 edition of the International Energy Conservation Code published by the International Code Council under any of the compliance methods specified in the standards. For the purpose of this section, "substantial renovation" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation. [2005, c. 350, §9 (AMD).]

## SECTION HISTORY

1987, c. 818, §4 (NEW). 2003, c. 151, §5 (AMD). 2003, c. 645, §5 (AMD). 2005, c. 350, §9 (AMD). 2007, c. 699, §3 (AMD). 2009, c. 261, Pt. A, §2 (AMD). MRSA T. 10, §1415-D, sub-§2 (RP).

**§1415-E. ADMINISTRATION OF STANDARDS**

*(REPEALED)*

## SECTION HISTORY

1987, c. 818, §4 (NEW). 1991, c. 824, §A15 (AMD). 2003, c. 644, §3 (AMD). 2005, c. 350, §10 (AMD). 2013, c. 120, §10 (RP).

**§1415-F. MANUAL OF ACCEPTED PRACTICES**

*(REPEALED)*

## SECTION HISTORY

1989, c. 75, §7 (NEW). 1991, c. 824, §C2 (AMD). 2003, c. 644, §4 (RP).

## §1415-G. ELECTRIC HEATING SYSTEMS; SUBSIDIZED HOUSING

**1. Residential construction, remodeling and renovation.** Except as provided in this section, during the construction, remodeling or renovation of a multifamily residential structure, a person may not install electric space heating equipment as the primary heating system if that construction, remodeling or renovation is funded in whole or in part by public funds, guarantees or bond proceeds. For purposes of this section, "multifamily residential structure" means a residential structure with more than one dwelling unit and "electric space heating equipment" does not include electric thermal storage space heating equipment or a geothermal heat pump.

[ 2011, c. 300, §2 (AMD) . ]

**2. Waiver.** After written petition from a building owner, the commission shall grant a waiver from subsection 1 if the building design conforms to the residential standards set forth in subsection 3 or 4. A waiver granted by the commission under this subsection must be in writing and state the commission's reason for granting the waiver.

[ 2005, c. 350, §11 (AMD) . ]

**3. Residential standards; electric heat.** If the commission grants a waiver under subsection 2, the building owner shall renovate the building or construct a new building so that the entire building conforms to the minimum energy efficiency standards established in this section. If a waiver is granted under subsection 2 for a building to be remodeled or a building that receives an addition, only the remodeled portion of the building or the addition must conform to the following minimum energy efficiency standards.

A. All ceilings that face an outdoor or unheated space must be insulated to an R-value of 57 or greater.

[1991, c. 275, §3 (NEW); 1991, c. 275, §§4, 5 (AFF).]

B. All walls that face an outdoor or unheated space must be insulated to an R-value of 38 or greater.

[1991, c. 275, §3 (NEW); 1991, c. 275, §§4, 5 (AFF).]

C. All floors over unheated spaces must be insulated to an R-value of 25 or greater. [1991, c.

275, §3 (NEW); 1991, c. 275, §§4, 5 (AFF).]

D. Slab-on-grade floors must have perimeter insulation of either:

(1) R-15 when the insulation extends downward from the top of the slab to the design frost line; or

(2) R-15 when the insulation extends around the perimeter and horizontally or diagonally beneath or away from the slab for a distance equivalent to the depth of the frost line. [1991, c. 275, §3 (NEW); 1991, c. 275, §§4, 5 (AFF).]

E. All foundation walls adjacent to a heated space must be insulated from the top of the foundation to the frost line to an R-value of 19 or greater. [1991, c. 275, §3 (NEW); 1991, c. 275, §§4, 5 (AFF).]

F. All windows and glass in doors, when the glass in the door constitutes 1/3 or more of the door area, must have a total window unit R-value of 2.5 or greater. [1991, c. 275, §3 (NEW); 1991, c. 275, §§4, 5 (AFF).]

G. All exterior doors must be insulated or equipped with a storm door. [1991, c. 275, §3 (NEW); 1991, c. 275, §§4, 5 (AFF).]

H. All new construction and renovation must comply with infiltration and ventilation standards established by the commission. [2005, c. 350, §11 (AMD).]

[ 2005, c. 350, §11 (AMD) . ]

**4. Performance-based compliance.** The commission may waive the requirements of subsection 3 for any building if the commission determines that the building's calculated annual energy consumption is not greater than the annual energy consumption of a similar building constructed in accordance with subsection 3.

[ 2013, c. 120, §11 (AMD) .]

**5. Violation.** A building owner who violates this section or rules adopted under this section commits a civil violation for which a fine of not less than \$100 nor more than 5% of the value of construction must be adjudged.

[ 2005, c. 350, §11 (AMD) .]

**6. Notification.** An agency, municipality or granting authority that provides a housing subsidy as described in this section must notify the commission that the application complies with the residential energy requirements of this section. Notification must be in a form prescribed by rule by the commission.

[ 2005, c. 350, §11 (AMD) .]

#### SECTION HISTORY

1991, c. 275, §3 (NEW). 1991, c. 275, §§4,5 (AFF). 2003, c. 20, §RR8 (AMD). 2003, c. 20, §RR18 (AFF). 2005, c. 350, §11 (AMD). 2011, c. 300, §2 (AMD). 2013, c. 120, §11 (AMD).

### §1415-H. CERTIFICATION OF COMPLIANCE

*(REPEALED)*

#### SECTION HISTORY

1993, c. 329, §1 (NEW). 1999, c. 657, §4 (AMD). 2003, c. 20, §RR9 (AMD). 2003, c. 20, §RR18 (AFF). 2005, c. 350, §12 (RP).

### §1415-I. NOTICE

*(REPEALED)*

#### SECTION HISTORY

2005, c. 350, §13 (NEW). 2013, c. 120, §12 (RP).

### §1416. PROCEDURE

*(REPEALED)*

#### SECTION HISTORY

1979, c. 503, §2 (NEW). 1979, c. 676, §§3-5 (AMD). 1989, c. 75, §8 (RP).

### §1417. PROMULGATION OF RULES

*(REPEALED)*

#### SECTION HISTORY

1979, c. 503, §2 (NEW). 1979, c. 676, §6 (RP).

### §1418. MUNICIPAL ADMINISTRATION

*(REPEALED)*



## SECTION HISTORY

1979, c. 503, §2 (NEW). 1979, c. 676, §7 (AMD). 1989, c. 75, §9 (RP).

**§1419. DISPOSITION OF FEES**

**(REPEALED)**

## SECTION HISTORY

1979, c. 503, §2 (NEW). 1989, c. 501, §DD24 (RP).

**§1420. PENALTIES**

**(REPEALED)**

## SECTION HISTORY

1979, c. 503, §2 (NEW). 1985, c. 370, §5 (AMD). 1987, c. 818, §5 (RPR). 1989, c. 75, §10 (AMD). 2005, c. 350, §14 (AMD). 2007, c. 699, §4 (AMD). 2009, c. 261, Pt. A, §3 (AMD). MRSA T. 10, §1420, sub-§4 (RP).

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